

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSE LEE SHAVERS, JR.,

No. C 12-2071 YGR (PR)

Petitioner,

**ORDER DENYING MOTION TO
REOPEN**

v.

STEPHEN L. ROSEN,

Respondent.

This closed federal habeas corpus action was dismissed without prejudice because petitioner failed to pay the filing fee of \$5.00, or file a complete application to proceed *in forma pauperis* ("IFP") by the deadline. Petitioner's motion for leave to file a late petition (Docket No. 10) and his motion requesting that the exhaustion requirement be excused (Docket No. 11), which the Court construes as motions to reopen the action, are DENIED. Petitioner has failed to perfect his IFP application by filing a Certificate of Funds signed by an authorized prison officer. **Any motion to reopen the action must be accompanied by either (1) the filing fee of \$5.00, or (2) a Certificate of Funds signed by an authorized prison officer.** Once the above requirements are met, the Court will reconsider petitioner's motion to reopen. Petitioner's motion to proceed IFP (Docket No. 14) is DENIED. The Clerk shall terminate Docket Nos. 10, 11 and 14.

IT IS SO ORDERED.

DATED: October 31, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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